

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL ASSESSMENT**

IN THE MATTER OF

**ENTERGY LOUISIANA, LLC
NINEMILE POINT ELECTRIC
GENERATING PLANT
JEFFERSON PARISH, LOUISIANA**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

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**REGIONAL HAZE
STATE IMPLEMENTATION PLAN
EGU BART ANALYSIS**

AGENCY INTEREST NO. 2841

ADMINISTRATIVE ORDER ON CONSENT

The following **ADMINISTRATIVE ORDER ON CONSENT** is issued this day to **ENTERGY LOUISIANA, LLC (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, *et seq.*, and particularly by La. R.S. 30:2011(D)(6) and (D)(14). The Respondent consents to the requirements set forth below, subject to the U.S. Environmental Protection Agency's (EPA) approval of the State Implementation Plan (SIP) prepared for the subject Facility.

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Ninemile Point Electric Generating Plant located at 1617 River Road, Westwego, Jefferson Parish, Louisiana (Facility). The Facility currently operates pursuant to Title V Permit Number 1340-00006-V4 issued on August 26, 2016.

II.

Under Clean Air Act (CAA) section 110, each state must prepare and submit for the EPA approval, a SIP that provides for the implementation, maintenance and enforcement of the National Ambient Air Quality Standards (NAAQS) in each air quality control region within the state.

III.

In addition to the general SIP requirements, in CAA section 169A, 42 U.S.C. §7491, Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section establishes as a national goal the "prevention of any future, and the remedying of any existing, impairment of visibility" in those national parks and wilderness areas identified as "Class I" areas under CAA section 161, 42 U.S.C. §7472(a), 42 U.S.C. §7491.

IV.

Under CAA section 169A and its associated implementing regulations, states must assure the reasonable progress toward the goal of achieving natural visibility conditions in Class I areas by preparing, and submitting for EPA approval, a Regional Haze SIP. *See generally*, 42 U.S.C. §7491; 40 C.F.R. § 51.308.

V.

To comply with the requirements set forth in CAA section 169A and the implementing regulations, the Department is concurrently submitting a proposed SIP on behalf of the State of Louisiana to EPA Region VI that includes a Best Available Retrofit Technology (BART) screening modeling for the Facility. The BART analysis is based on submittals made by RESPONDENT to the Department on November 9, 2015 and revised on April 14, 2016.

ADMINISTRATIVE ORDER

Based on the foregoing, the Department **hereby orders**, and the Respondent hereby **agrees** that:

I.

The Respondent shall comply with the emissions limitations set forth below:

The facility will burn only ultra-low sulfur diesel at Ninemile Units 4 and 5 during oil-burn periods of operation.

II.

The Respondent shall continue to comply with all reporting and record keeping requirements contained within all applicable permits.

III.

To the extent required by law, further proceedings relating to this **ADMINISTRATIVE ORDER** will be governed by the Administrative Procedure Act, La. R.S. 49.950, *et seq.*

IV.

This **ADMINISTRATIVE ORDER ON CONSENT** may be executed in counterparts, each of which may be executed by one (1) or more of the signatory parties hereto. Signature pages may be detached from the counterparts and attached to one or more copies of this Agreement to form multiple legally effective documents. Facsimile signatures shall be sufficient in lieu of original signatures.

V.

For each action or event described herein, the Department reserves the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such compliance.

VI.

This **ADMINISTRATIVE ORDER ON CONSENT** may be amended by mutual consent of the Department and Respondent. Such amendments shall be in writing, shall follow proper SIP procedures

and be submitted to EPA as a SIP revision, and shall be final and effective upon signature by an authorized representative of the Department and signature by the authorized representative of the Respondent.

VII.

The following paragraph addresses transfers of the obligations of this **ADMINISTRATIVE ORDER ON CONSENT** and the Facility:

- A) The obligations of this **ADMINISTRATIVE ORDER ON CONSENT** apply to and are binding upon the United States and the State and upon the Respondent and its officers, employees, agents, subsidiaries, successors, assigns, or other entities or persons otherwise bound by law.
- B) Prior to the execution of any agreement for the transfer of ownership or operation of the Facility, the Respondent shall provide notice of and a copy of this **ADMINISTRATIVE ORDER ON CONSENT** to the proposed transferee. No transfer of ownership or operation of any portion of the Facility shall relieve the Respondent of its obligation to ensure that the terms of this **ADMINISTRATIVE ORDER ON CONSENT** is implemented unless at least 30 days prior to such transfer, the Respondent provides written notice of the prospective transfer to the EPA Region 6 and the Department and the prospective transferee executes an **ADMINISTRATIVE ORDER ON CONSENT** with the Department prior to the effective date of the transfer providing for continued compliance with these standards. The Notice of Transfer shall clearly identify the parties responsible for any existing violations of this **ADMINISTRATIVE ORDER ON CONSENT** and otherwise comply with LAC 33:I.1907. Any attempt to transfer ownership or operation of the

Facility without complying with this Paragraph constitutes a violation of this
ADMINISTRATIVE ORDER ON CONSENT.

VIII.

This **ADMINISTRATIVE ORDER ON CONSENT** shall be final and effective upon final approval of a SIP by EPA and signature by an authorized representative of the Department and signature by the authorized representative of the Respondent, provided that the federally enforceable limits set forth herein shall not become effective until the final approval by EPA of the SIP as it relates to the BART Five Factor Analysis for the Facility based upon those federally-enforceable limits. If the SIP as it relates to the BART Five Factor Analysis for the Facility is not approved by EPA, this **ADMINISTRATIVE ORDER ON CONSENT** shall be void.

Baton Rouge, Louisiana, this 9th day of February, 2017.



Chuck Carr Brown, Ph.D.
Secretary

Entergy Louisiana LLC

By: Warren Dale Claudel

Date: 2/8/2017

Name: Warren Dale Claudel

Title: VP, Power Plant Operations